

**Folketing (Parliamentary) Election Act**

Act No. 271 of May 13th 1987, latest amendments added on April 10th 1991

WE MARGRETHE THE SECOND, by the Grace of God Queen of Denmark, do hereby make known that the Folketing has passed and We have granted our Royal Assent to the following Act:

CHAPTER I**General Elections and Referendums****Part 1****Franchise and Eligibility**

1.-(1) Franchise for the Folketing is held by every person of Danish nationality, who is above 18 years of age, and permanently resident in the realm, unless such person has been declared legally incompetent.

2.-(1) Persons who are employed by the Danish State and ordered to enter service outside the realm, and spouses cohabitating with such persons, shall be considered to be permanently resident in the realm.

(2) The following persons who have taken up temporary residence in foreign countries, and spouses cohabitating with such persons, shall also be considered to be permanently resident in the realm:

persons being sent out in foreign service as employees of a Danish public agency or any local private undertaking or association;

persons taking up residence in foreign countries as employees of an international organisation of which Denmark is a member;

persons being sent out to do service in foreign countries by a Danish relief organisation;

persons staying abroad for the purpose of education;

persons staying abroad for health reasons;

persons staying abroad and who, with respect to affiliation with the realm, must be quite coequal with the persons specified in Nos. (i) to (v).

3.-(1) No one shall exercise the right to vote except if included in the electoral register.

4.-(1) Eligibility for the Folketing is accorded to anyone holding the right to vote according to section 1, cf. section 2, unless punished for an act, which in the public opinion renders him unworthy of being a Member of the Folketing, cf. the Act of the Constitution sections 30 and 33.

(2) A person can nevertheless always stand as candidate in an election regardless of objections in respect of non-eligibility.

5.-(1) No one can stand as candidate in an election unless he himself has announced his candidature in the election.

6.-(1) Members of the Folketing are elected for four years. The existing seats in the Folketing shall lapse, however, when a new election has taken place, cf. section 32 of the Act of the Constitution.

(2) General elections are called by royal public notice, to be held on the same day throughout the realm. In the Faroe Islands and in Greenland, fixing another day for holding the election can be entrusted to the High Commissioners.

Part 2**Electoral Districts and Polling Districts. Local Distribution of Seats**

7.-(1) A total of 179 members, two of which in the Faroe Islands and two of which in Greenland, are elected for the Folketing.

(2) Rules for the election in the Faroe Islands and in Greenland are laid down in separate acts.

8.-(1) Denmark is divided into three regions: Metropolitan Copenhagen, the Islands and Jutland.

(2) The regions are subdivided into multi-member constituencies, cf. the schedule to the act (List of Electoral Districts). Metropolitan Copenhagen consists of three multi-member constituencies (metropolitan constituencies). The Islands and Jutland consist of seven multi-member constituencies each (county constituencies).

(3) The multi-member constituencies are subdivided into nomination districts, cf. the List of Electoral Districts. A nomination district consists of one or more municipalities or a part of a municipality. For nomination districts consisting of more than one municipality, the common functions are carried out by the municipality identified as a constituency municipality in the List of Electoral Districts.

(4) The Minister for the Interior can issue a promulgation order for minor adjustments to the List of Electoral Districts.

9.-(1) Each municipality or part of a municipality in a nomination district is subdivided into polling districts. A municipality or part of a municipality, however, can constitute one polling district. The local council makes decisions regarding the setting up, alteration or closing down of polling districts.

10.-(1) Of the nationwide 175 seats, 135 are constituency seats and 40 are compensatory seats. The distribution of seats among regions and among multi-member constituencies are determined and announced by the Minister for the Interior following publication of the population figure as at January 1st 1985, 1990, 1995, etc., and the distribution subsequently applies to the following elections.

(2) The distribution is fixed proportional to numbers, which for each region and each multi-member constituency are computed as the sum of: i) the population; ii) the number of voters in the last general election; and iii) the area in square kilometres multiplied by 20, of the appropriate region or multi-member constituency, respectively. If the number of seats resulting from the distribution are not integers and, therefore, do not add up to the necessary number of seats when fractions are eliminated, the largest fractions shall be increased until the number has been reached (the method of the largest remainders). If two or more fractions are of equal size, lots shall be drawn.

(3) According to the computation rule in subsection (2), the 175 seats are first distributed among the three regions. Next, the 135 constituency seats are distributed accordingly among the regions. Finally, the constituency seats are distributed among the multi-member constituencies within the appropriate regions.

(4) If, by computation according to subsection (3), the County Constituency of Bornholm fails to obtain at least two seats, a second distribution of seats shall be undertaken in which the Bornholm County Constituency is allocated two seats in advance. The remaining 133 constituency seats shall be finally distributed among the other multimember constituencies as specified in subsection (3).

(5) The number of compensatory seats for allocation to each region shall be computed as the difference between the overall number of seats in the region and the number of constituency seats in the region.

Part 3

Parties Entitled to Participate in General Elections

11.-(1) The parties which gained representation in the Folketing in the last general election and which continue to be represented therein, are entitled to participate in general elections.

(2) The right of participation in a general election furthermore extends to new parties which have been registered with the Minister for the Interior according to the rules of section 12.

(3) Parties which are entitled to participate in general elections shall hereinafter be referred to as parties entitled to nomination.

12.-(1) New parties wishing to participate in a general election must file their registration with the Minister for the Interior not later than noon 15 days prior to election day. The registration must be accompanied by statements from voters whose number corresponds to 1/175 of all valid votes cast in the last general election as a minimum. No voters' statements are required in the case of the party of the German minority.

(2) The voters' statements are to be submitted on a form which has been approved by the Minister for the Interior in advance. The approval remains valid for two years counting from the day of the approval. The Minister for the Interior may renew the approval, if, on the basis of the last approved form, a party has been registered. In case of non-registration, the approval shall be renewed provided only it is recommendable on special grounds. In connection with approval of the form it is for the Minister for the Interior to decide whether the name of the new party can be approved, cf. section 13. Approval of the party name remains valid for the same term as approval of the form.

(3) The voters' statements must, in order to be included, be duly completed clearly stating the name of the voter, CRS number, permanent address, and be signed and dated by the voter in his own handwriting. The statements must furthermore be furnished with a certificate from the local national registration office attesting to the fulfilment by the voter of the conditions of franchise to the Folketing at the time of making the statement. If the voter is deceased since the statement was made, a certificate shall not be issued.

(4) After certification, the national registration office shall send the voter's statement to the appropriate voter. The voter shall then himself forward the statement to the party if the voter has a continued interest in participating in the registration of the appropriate party. In forwarding the voter's statement, the national registration office shall inform the voter accordingly. The national registration office shall return voters' statements which do not fulfil the conditions for certification to the party, with indication of the reason for not issuing a certificate.

(5) A voter's statement shall not be included, however, if it

was made one year or more before registration of the party, cf. subsection (1); or,

was made by a voter who has already made a statement in favour of a party registered according to subsection (1).

(6) Registration of a party remains valid until the first general election is subsequently held, however, for one year from the day of registration as a minimum.

(7) The Minister for the Interior shall keep the voters' statements as long as the registration remains valid and shall subsequently destroy them.

13.-(1) No approval can be granted to a new party name which

is used by a party entitled to nomination or has been approved for a new party by the Minister for the Interior, cf. section 12(2);

is used by a Danish party entitled to participate in elections for the European Parliament or has been approved for a new party by the Minister for the Interior under the act on the Election of Danish Representatives to the European Parliament; or,

may cause confusion of the party with one of the parties referred to in Nos. i) and ii), or in subsection (2).

(2) The name of a party having participated in the last general election without obtaining representation can be approved only for the appropriate party. Similar conditions apply to the name of a Danish party having participated in the last election of the European Parliament without obtaining representation.

(3) Party names which are approved by the Minister for the Interior in connection with approvals of forms, cf. section 12(2), shall be recorded in a register to be kept by the Minister for the Interior.

14.-(1) The Minister for the Interior allocates to the parties entitled to nomination a letter designation with which the parties are listed on the ballot papers. In the allocation due regard shall be made in respect of the preservation of letter designations which the parties had in previous elections.

(2) Soonest possible after the expiry of the time-limit in section 12(1), the Minister for the Interior shall promulgate in the Official Gazette which parties are entitled to nomination and the letter designations allocated to these parties.

Part 4

Electoral Registers and Poll Cards. Franchise Board

15.-(1) Voters shall be included in the electoral register in the municipality where they are listed in the national register, cf. however section 16.

16.-(1) Voters comprised by section 2 shall be included, upon request, in the electoral register in the municipality where they last were listed in the national register. The request must be submitted to the local council on a form which has been approved by the Minister for the Interior.

(2) Voters who have stayed abroad for more than four years and who are not comprised by section 2(1) can only be included in the electoral register provided the Franchise Board considers the conditions of section 2(2) fulfilled in each individual case. If there is any doubt, whatsoever, as to whether a voter is comprised by section 2, the voter can be included in the electoral register provided only the Franchise Board considers the conditions in section 2 fulfilled in each individual case.

(3) Decisions regarding the inclusion in electoral registers of voters comprised by section 2(2) are valid for two years from the day of decision. If, prior to the expiry of this term, the voter submits a request for renewed inclusion in the electoral register, the term is extended until a decision has been made.

(4) The Minister for the Interior shall lay down detailed rules for inclusion in the electoral register of voters comprised by section 2.

17.-(1) The Minister for the Interior shall set up a Franchise Board to decide on inclusion in the electoral register according to section 16(2).

(2) The Franchise Board consists of a chairman and two other members. The chairman must be a judge, and either of the other members must be an expert on constitutional law. A deputy chairman and a substitute for either of the two other members must be appointed by the same rules.

(3) The Minister for the Interior shall lay down the rules of procedure.

(4) The decisions of the Board shall not be subject to appeal to any other administrative authority.

18.-(1) When an election is called, the local council shall prepare an electoral register of the voters of the municipality, cf. sections 15 and 16. The electoral register shall be prepared for each local polling district.

(2) The electoral register shall list voters who have moved to the municipality not later than on the 18th day prior to election day and who not later than on this day have notified the local national registration office of the change of address.

(3) Voters who not later than on the 15th day prior to election day have relocated within the municipality, and who not later than on this day have notified the local national registration office of the change of address shall be listed in the electoral register under the new address.

(4) Voters who later than the 18th day prior to election day have moved to another municipality or within the municipality, or who later than this day have notified their change of address shall remain listed in the electoral register under their previous address.

(5) Voters who are comprised by section 2 shall be listed in the electoral register if a decision to this effect has been made not later than on the 18th day prior to election day.

19.-(1) The electoral register shall be prepared on the basis of information in the national civil registration system (CRS).

(2) The electoral registers shall contain the name of the voters, birth dates and addresses, as well as serial number and a space for marking.

(3) The Minister for the Interior may lay down detailed rules for the preparation of the electoral registers and their design.

20.-(1) As soon as the electoral register has been prepared, the local council shall send out poll cards to the voters included in the electoral register and listed in the local national register. The poll card must contain information about the name and address of the voter, his number in the electoral register and about the address of the polling station as well as the day and time of voting.

21.-(1) Not later than 10 days prior to election day shall the Minister for the Interior publish the day and time of voting in the national newspapers. At the same time the public shall be notified that poll cards will be sent out to the voters and that objections against non-reception of poll cards or reception of poll cards with erroneous contents shall be submitted to the local council.

22.-(1) The local council shall immediately consider the objections specified in section 21, and shall, case requiring, correct the errors by writing out new poll cards and by making corrections to the electoral register. Such corrections can be made up to and including election day.

(2) The local council shall furthermore, up to and including election day, correct the electoral register if the local authority receives notification of a person leaving to set up residence abroad, death cases, declaration of legal incompetence, abolition of legal incompetence or the acquisition, or forfeiting, by a person of his Danish citizenship.

Part 5

Election Committees, Polling Supervisors, and Appointed Electors

Election Committees

23.-(1) Not later than when an election has been called shall an election committee be chosen for each nomination district. In municipalities comprising more than one nomination district one common election committee shall be chosen.

(2) The election committee receives announcements of candidatures and procures ballot papers and notices. Furthermore, the election committee supervises the final counting and the tabulation of the vote in the nomination district.

(3) Members of the election committee are elected by the local council by proportional representation. The group in the local council appointing a member shall also appoint a substitute. The mayor is a member of the election committee, in the City of Copenhagen the mayor in charge of public elections. Other members and substitutes are chosen from among members of the local council, in the City of Copenhagen from among the members of the City Council or the Executive.

24.-(1) To sit on the election committee of nomination districts consisting of more than one municipality, every local council elects the following numbers of members:

in nomination districts which consist of two municipalities, four members;

in nomination districts which consist of three municipalities, three members, cf. however subsection (2);

in nomination districts which consist of four municipalities or above, two members.

(2) The election committee of the North Jutland County Constituency Nomination District 5 is also election committee of Nomination Districts 6 and 7, cf. the schedule to this Act. The Council of the Municipality of Aalborg elects five members to sit on the election committee. The other local councils elect two members each.

(3) The mayor of the constituency municipality, cf. the schedule to this Act, is chairman of the election committee.

25.-(1) To sit on the election committees of nomination districts consisting of one municipality or a part of a municipality, five members are elected, cf. however section 24(2). The mayor is chairman of the election committee.

26.-(1) The local council shall elect from among the members of the election committee a vice-chairman of the election committee. In nomination districts consisting of more than one municipality, the vice-chairman is elected by the local council of the constituency municipality among its members of the election committee. The vice-chairman shall discharge the duties of the chairman in the latter's absence.

27.-(1) No one who is a candidate for election in the appropriate multi-member constituency can be a member or a substitute for the election committee.

(2) If the mayor is a candidate for election in the appropriate multi-member constituency, the local council chooses among its members a person who joins the election committee, taking the place of the mayor.

28.-(1) The chairman of the election committee prepares, summons and presides over the meetings of the election committee. Decisions by the election committee are made by majority vote. In the event of a tie, the chairman's vote shall be decisive.

(2) The chairman of the election committee shall decide in all unambiguous questions.

(3) The election committee shall keep election records in which all material information about the voting in the nomination district and the result thereof are entered. In municipalities comprising more than one nomination district, the election committee shall keep election records for each local nomination district. The Minister for the Interior shall lay down the rules governing the contents and design of the election records.

Polling Supervisors

29.-(1) Not later than when an election has been called shall the local council elect, for each polling district, not less than five and not more than nine polling supervisors to conduct the voting procedure and the vote count at the polling station.

(2) Polling supervisors are elected by proportional representation in one step from among all voters residing in the municipality.

(3) From among the polling supervisors the local council elects a chairman for each polling district. The chairmen are elected by proportional representation.

(4) The polling supervisors shall keep a poll book in which they enter all material information about the voting in the polling district and the result thereof. The Minister for the Interior shall lay down the rules governing the contents and design of the poll books.

Appointed Electors

30.-(1) Not later than when an election has been called shall the local council elect a number of electors to assist in the election. Appointed electors are elected by proportional representation in one step from among all voters residing in the municipality.

Common Rules

31.-(1) Any voter is under duty to assume the task of polling supervisor or appointed elector.

(2) The members of the election committee, polling supervisors and appointed electors shall perform the tasks incumbent upon them except when absent. In the absence of a member of the election committee his substitute shall join the election committee. In the absence of a polling supervisor the local council shall appoint a new polling supervisor.

(3) Allowances are granted to members of the election committee, polling supervisors and appointed electors for their assistance during the election process. Allowances are paid according to the rules laid down in the Local Government Act.

Part 6

Candidates for Election

32.-(1) A person who wishes to announce his candidature in the election in a nomination district, may either stand for a party entitled to nomination or stand as an independent candidate. A candidate wishing to stand for a party must be approved by the party. An independent candidate must be recommended by at least 150 and at most 200 voters of the nomination district as supporters.

(2) No one shall be a candidate in more than one multi-member constituency. No one shall be a candidate of more than one party or a candidate of a party and an independent candidate at the same time. Election of a candidate having acted in contravention hereof shall be void.

(3) A voter who as supporter recommends more than one candidate shall not be considered supporter of any of the candidates.

Registration of Candidates and Approval by the Parties

33.-(1) Not later than noon eleven days prior to election day must announcements of candidatures be registered with the chairman of the election committee of the nomination district. Registration must be done by completing and filing a form approved by the Minister for the Interior.

(2) The registration form shall be signed by the candidate and state the full name, CRS number, occupation and address of the candidate. If the candidate does not want his full name to appear on the ballot paper, it must be indicated how the name should appear. A candidate's last name or middle name and at least one first name or initial shall always be stated. Only middle and last names which a candidate is entitled to use under the Names Act, or middle names reported to the national register, shall be stated on the ballot paper. Instead of the first name, a name by which the candidate is known and which is derived from the first name, may be stated. The registration shall further state the name and address of a voter in the nomination district who the election committee may approach if the registration form is insufficiently completed.

(3) Candidates wishing to stand for a party shall state so in the registration form.

(4) Candidates standing as independents shall state so in the registration form. Furthermore, the registration form shall be signed by the supporters of the candidate and state the name, CRS number and address of each supporter. Names and addresses of supporters are open to public inspection.

(5) He who files a candidate's registration form is entitled to a receipt which states the time of filing.

34.-(1) A candidate may withdraw his registered announcement of candidature if communicated to the chairman of the election committee of the nomination district not later than noon eleven days prior to election day. A voter who as supporter has recommended a candidate shall not be allowed to withdraw his recommendation once the candidate has filed his registration with the chairman of the election committee of the nomination district.

35.-(1) As soon as the time-limit for filing of candidates' registrations has expired, the election committee shall examine the validity of the registrations filed in time. If the election committee finds that a registration should be declared invalid on account of material deficiencies, the election committee shall inform the candidate or the voter stated in the registration form accordingly without delay. Not later than 12 hours subsequent to due notification may a new registration form be filed in respect of the candidate or the deficiencies be remedied. The chairman of the election committee shall then decide on the validity of the registration. The decision is entered into the election records and a transcript dispatched to the candidate.

36.-(1) The election committees within the county constituency shall immediately after reviewing the candidates' registrations report in writing to the prefect which candidates have filed valid registrations for election in the nomination district. The report shall state the information specified in section 33(2) first and second sentences, and information about the party the candidate wishes to stand for or whether the candidate stands as an independent.

(2) The election committee in the City of Copenhagen shall immediately after reviewing the candidates' registrations report in writing to the chairman of the election committee in Frederiksberg Municipality which candidates have filed valid registrations for election in the nomination districts in the City of Copenhagen that belong to Metropolitan Constituency 3. The report shall contain the information specified in subsection (1) second sentence.

(3) The prefect shall prepare a list of the candidates standing in the county constituency. The list is prepared on the basis of the reports from the election committees and notifications and registrations by the parties according to sections 37 and 41. The list is forwarded to each election committee for use in procuring ballot papers in the respective nomination districts, cf. sections 42 and 43. The prefect shall decide how a candidate's name should appear on the ballot paper if stated differently in the reports of the election committees.

(4) The chairman of the election committee in the City of Copenhagen shall prepare a list of the candidates standing in Metropolitan Constituencies 1 and 2. The list is prepared on the basis of the valid candidate registrations in the nomination districts of Metropolitan Constituencies 1 and 2, and notifications and registrations by the parties according to sections 37 and 41. The list is used in procuring ballot papers in the nomination districts in Metropolitan Constituencies 1 and 2, cf. section 43. The chairman of the election committee in the City of Copenhagen shall decide how a candidate's name should appear on the ballot paper if stated differently in the candidate registrations.

(5) The chairman of the election committee in the Frederiksberg Municipality shall prepare a list of the candidates standing in Metropolitan Constituency 3. The list is prepared on the basis of the report of the election committee in the City of Copenhagen, the valid candidate registrations in the nomination districts in Frederiksberg Municipality and notifications and registrations by the parties according to sections 37 and 41. The list is used in procuring ballot papers in the nomination districts in Metropolitan Constituency 3, cf. sections 42 and 43. The chairman of the election committee in Frederiksberg Municipality shall decide how a candidate's name should appear on the ballot paper if stated differently in the report and the candidate registrations.

37.-(1) Not later than noon eight days prior to election day shall the parties entitled to nomination for each multi-member constituency give notice in writing about candidates approved by the party in the individual nomination districts. Candidates who are not approved by the appropriate party shall not be allowed to stand in the election. No candidate shall stand for the party in the multi-member constituency in question unless notification of approval has been given.

(2) Notice shall for the county constituencies be given to the prefect, for Metropolitan Constituencies 1 and 2 to the chairman of the election committee in the City of Copenhagen and for Metropolitan Constituency 3 to the chairman of the election committee in Frederiksberg Municipality.

(3) Notice shall for each approved candidate state information about the candidate's name, CRS number and address.

Forms of Candidatures, Party List and Nomination

38.-(1) Candidates standing for a party shall stand either by district or in parallel.

39.-(1) In case of standing by district one candidate shall stand for the party in the nomination district.

(2) The candidate shall take first place on the ballot paper. After him the other candidates (of the party in question) in the multi-member constituency shall be listed in alphabetical order. If the party has registered a specific order of candidates (party list), cf. section 41(1), the other candidates shall, however, be listed in that order.

(3) In case of standing by district all party votes in the nomination district shall be allocated to the party candidate in that nomination district, cf. section 73(5).

(4) In case of standing by district the candidates shall be elected in the order of the size of their votes, cf. section 81. If a party list has been registered, the candidates shall, however, be elected in the order specified in section 82.

40.-(1) In case of standing in parallel more than one candidate shall stand for the party in the nomination district.

(2) The candidates shall be listed in alphabetical order on the ballot paper. The party may, however, file a registration to place a particular candidate first on the ballot paper (nomination), cf. section 41(2). Below the candidates of the nomination district shall be listed, in alphabetical order, any other candidates (of the party in question) in the multi-member constituency.

(3) In case of standing in parallel the party votes in the nomination district shall be distributed among the party candidates in that nomination district in proportion to their personal votes in the nomination district, cf. section 73(5).

(4) In case of standing in parallel the candidates shall be elected in the order of the size of their votes, cf. section 81.

41.-(1) Not later than noon eight days prior to election day may a party which has chosen candidatures solely by district in a multi-member constituency register a party list for all the candidates of the party in the multi-member constituency in question.

(2) Within the time-limit stated in subsection (1), a party which has chosen candidatures in parallel in one or more nomination districts may register a nominated candidate in the nomination district(s) in question.

(3) Registrations according to subsections (1) and (2) shall be made in writing to the authorities specified in section 37(2).

Ballot Papers

42.-(1) The prefect shall as soon as possible after the expiry of the time-limit in section 37, cf. section 41, communicate to the election committee of each nomination district which candidates have been approved as party candidates by the various parties within the county constituency. The communication shall state which party each candidate stands for. The names of a party's candidates shall be listed in alphabetical order indicating in which nomination district(s) the respective candidates stand and in which nomination district(s) the respective candidates are nominated, cf. section 41(2). If a party list has been registered, the names of the candidates shall, however, be listed in the order of the party list, cf. section 41(1). Furthermore, it shall be stated which candidates stand as independents and which candidates have not been approved by the appropriate party and, therefore, shall not be standing.

(2) The chairman of the election committee in Frederiksberg Municipality shall inform the election committee in the City of Copenhagen which candidates stand in Metropolitan Constituency 3, according to the rules laid down in subsection (1).

43.-(1) As soon as the election committee has received the information from the prefect according to section 42(1), it shall procure ballot papers for use at the polls in the nomination district as well as notices, cf. section 45(3). Within the metropolitan constituencies the election committee shall procure ballot papers and notices on the basis of the lists referred to in section 36(4) and (5). The ballot papers and notices for use at the polls in the nomination districts of the City of Copenhagen, which belong to Metropolitan Constituency 3, shall, however, be procured on the basis of the communication referred to in section 42(2).

(2) The ballot paper shall contain the names and letter designations of all parties with candidates to stand in the multi-member constituency. The parties shall be listed in alphabetical order according to their letter designations.

(3) The ballot paper shall furthermore contain the names of all candidates who stand in the multi-member constituency. Candidates standing for a party shall be listed together in a separate field for the appropriate party and in the order specified in section 39(2) and section 40(2). Candidates who stand as independents shall be listed below all others in a separate field for these and in alphabetical order, however, in such a way that candidates standing in the nomination district in question shall be listed first.

(4) The Minister for the Interior shall lay down detailed rules governing the contents and design of the ballot papers.

44.-(1) The election committee shall see to it that the requisite number of ballot papers and notices are delivered to the local council well ahead of the commencement of voting.

Part 7

Voting on Election Day

45.-(1) In each polling district voting takes place at one polling station.

(2) The local council shall provide the premises for the voting and the requisite number of voting booths and ballot boxes. The voting booths must be designed to allow the voter to cast his vote without being watched by others. Voting booths shall be provided with the requisite tools for voting. Ballot boxes must be designed to prevent removal of ballot papers without opening of the ballot box. Ballot boxes must be lockable or sealable.

(3) At the polling stations notices shall have been put up indicating all the names of parties and candidates in the order listed on the ballot paper. For the parties, their letter designations, too, shall be stated.

(4) The local council shall ensure that the requisite preparations for the voting procedures have been made at each polling station and that polling supervisors and appointed electors have been briefed about their duties on election day.

46.-(1) Voting begins at 0900 hours and proceeds until 2000 hours and for as long thereafter as voters show up to cast their vote. Voting is over when no voter expresses his wish to vote regardless that an invitation to vote is announced.

(2) Before the voting begins appointed electors shall show those present that the ballot boxes are empty. Immediately thereafter the boxes must be locked or sealed.

47.-(1) The right to vote is exercised by personal appearance at the polling station. Before voting a voter must turn over his poll card to the keeper of the electoral register. Where a voter has omitted to bring his poll card a new one shall be written out. Upon request the voter shall give his name, address and date of birth. In case of doubt about the identity of a voter, the identity must be proven, if necessary through production of documentation thereof. Then, and after the keeper of the electoral register has ticked off the voter's name in the electoral register, the voter is handed a ballot paper.

48.-(1) Voting takes place in the voting booth which only the voter is allowed to enter. On the ballot paper the voter enters a cross against the name of a party or the name of a candidate.

(2) A voter may have his ballot paper substituted if it has been incorrectly crossed off or become invalid through negligence. Substitution cannot take place once the ballot paper has been put in the ballot box.

(3) The vote cast, the voter shall fold the ballot paper so that no one can see how he has voted. Next the voter shall put the ballot paper in the ballot box under the supervision of an appointed elector.

49.-(1) Voters who on account of disability, poor health or for similar reasons are unable to walk into a polling station or voting booth or in any other way are unable to vote in the prescribed way, cf. section 48, may request the assistance needed to cast their vote, cf. however subsection (3). This may call for the necessary modifications of the prescribed procedure and may entail access to cast one's vote immediately outside the polling station.

(2) Assistance in vote casting is rendered by two polling supervisors or appointed electors. A blind or poorly sighted voter may request the assistance of a person appointed by the voter himself.

(3) Assistance to cross off the ballot paper may be rendered only when the voter is able to indicate direct and unambiguously to those rendering assistance the party or candidate for which he wants to vote.

50.-(1) The polling supervisors may decide that in addition to the persons in charge of the voting procedure only voters about to vote may be allowed inside the polling station. The polling supervisors may also limit the number of persons present when considerations of order so dictate. Polling supervisors shall ensure that voters are not subjected to electioneering in the voting premises or elsewhere in the immediate vicinity. Persons present shall in all respects observe the instructions of the polling supervisors.

51.-(1) Persons in charge of the voting procedure may not during the voting advise a voter or suggest a party or candidate to vote for. They shall not to unauthorised persons state whether a voter has been present to cast his vote or provide any other information about the voting of a voter.

(2) No unauthorised person shall check systematically that voters show up and cast their vote.

52.-(1) Once the voting is over, and before vote counting begins, ballot papers not handed out and ballot papers returned in substitution are counted and bound in separate packages. Then votes are counted in accordance with the provisions of sections 68-70.

Part 8

Advance Voting

Advance Voting in Denmark

53.-(1) Any voter who is prevented from attending the polls on election day may vote in advance at any national registration office in Denmark.

54.-(1) Voters who are hospitalised or inmates of the following institutions may cast their votes in advance in the institution:

hospitals;

nursing homes, including special nursing homes, and sheltered homes operated as provided by the rules of the Social Assistance Act;

day-care centres, institutions for adults suffering from severe physical or mental handicaps operated as provided by the rules of the Social Assistance Act, and 24-hour institutions for adults operated as provided by experimental specifications of the said act. The local council may decide, however, that advance voting shall not take place at a day-care centre, or that advance voting in an institution shall take place according to the rules of subsection (3) regarding advance voting in the home instead.

(2) Voters being detained in an institution under the Prison Service or a goal may cast their advance vote in the institution.

(3) Voters who on account of illness or disability are unable to turn up at a polling station may vote in advance in their homes except where granted the opportunity of casting their vote in one of the institutions or homes specified in subsection (1). Requests for advance voting in the home must be submitted not later than twelve days prior to election day at 1800 hours. Such request must be submitted to the national registration office of the municipality where the applicant is staying.

(4) Voters resident in remote islands which do not constitute a separate polling district, may cast their vote in the island in advance.

55.-(1) Advance votes under section 54(1)(i) and (2) shall be cast to two vote receivers who are on the staff of the local administration or the institution.

(2) Advance votes under section 54(1)(ii) or (iii) and (3), shall be cast to two vote receivers chosen from among the appointed electors, cf. section 30.

(3) In the islands referred to in section 54(4) the local council shall appoint one or more electors to act as receivers of advance votes.

56.-(1) In Denmark advance voting can take place within the last three weeks prior to election day, however, not later than on the last weekday but one preceding election day.

Advance Voting in the Faroe Islands, Greenland and Foreign Countries

57.-(1) Voters who are staying in the Faroe Islands or Greenland may vote in advance at the Faroese or Greenland national registration offices or with a vote receiver appointed by the Minister for the Interior.

(2) Voters who are staying abroad may cast their vote in advance with a Danish diplomatic or consular mission or with a vote receiver appointed by the Minister for the Interior.

(3) Advance votes cast more than three months prior to election day, shall not be considered.

(4) Once a general election has been called, the Minister for the Interior shall see to it that the Danish representations and other vote receivers abroad are notified hereof.

Advance Voting On Board Danish Ships in Foreign Waters and Danish Off-shore Installations

58.-(1) Danish sailors and passengers on board Danish ships in foreign waters and persons employed at Danish off-shore installations may vote in advance on board the ship or at the off-shore installation. The ship's master or the person appointed by the ship's master, or the chief of the off-shore installation or the person appointed by the chief, shall act as vote receiver.

(2) Advance votes cast more than three months prior to election day, shall not be considered, cf. however subsections (3) and (4).

(3) Sailors in Danish ships in foreign waters, and their accompanying spouses may vote in advance on board the ship from the day following a general election, their votes being valid for the next general election.

(4) At Danish off-shore installations in Danish territory advance voting can take place within the last three weeks prior to election day, however, not later than on the last weekday but one prior to election day.

59.-(1) Once a general election has been called, the Minister for the Interior shall see to it that ship's masters of Danish ships in foreign waters and chiefs at Danish off-shore installations are notified accordingly.

(2) As soon as the ship's master of a Danish ship in foreign waters is informed that a general election has been called, the ship's master shall see to it that advance voting on board takes place without delay. Advance voting procedures may, however, be dispensed with, if, even using the fastest way of dispatch, the advance votes cannot be expected to reach their destination before polling starts on election day, or if compelling and urgent business so prevents. Similar rules shall apply to Danish off-shore installations.

Advance Voting Material

60.-(1) The voting material comprises a ballot paper, an envelope, a covering letter and a cover. The Minister for the Interior shall decide the particular contents and design of the advance voting material.

(2) The Minister for the Interior shall procure the advance voting material. The advance voting material must be available with the national registration offices and the Danish representations abroad and on board Danish ships in foreign waters and at Danish off-shore installations outside Danish territory at all times.

Advance Voting Procedure

61.-(1) Voters who wish to cast their vote in advance must duly prove their identity to the vote receiver. Hence the advance voting material will be issued, cf. section 60.

(2) The voter indicates on the ballot paper the name or letter designation of a party which has candidates standing in the multi-member constituency where the voter is on the electoral register. If the voter wishes to cast his vote in favour of a particular candidate standing in the appropriate multi-member constituency, the voter shall state the name of the candidate, with the possible addition of the party name or letter designation.

(3) The voter fills in the ballot paper without being watched by others and puts it into the envelope. The voter then fills in the covering letter and signs it in the presence of the vote receiver, who certifies the casting of the vote.

(4) If the voter is unable to fill in the ballot paper or to fill in and sign the covering letter, the vote receiver shall provide the requisite assistance, cf. however subsection (5). If such assistance has been rendered, it must appear from the covering letter.

(5) Assistance in filling in the ballot paper may be rendered only when the voter is able to indicate direct and unambiguously to the person rendering assistance for which party or candidate the voter wants to vote.

(6) The envelope together with the ballot paper and the covering letter shall be placed in the cover, which is sent to the local council of the municipality where the voter is on the electoral register. The cover shall indicate the name, birthdate and permanent address of the voter.

62.-(1) Vote receivers may not during the advance voting procedure advise a voter or suggest to him which party or candidate to vote for. They shall not to unauthorised persons state whether a voter has voted in advance or provide any other information about the voting of a voter.

(2) No unauthorised person shall check systematically whether voters cast their vote in advance.

63.-(1) The Minister for the Interior shall lay down detailed rules governing the organisation and undertaking of advance voting and procedures in connection with votes cast in advance.

Receiving and Checking Advance Votes

64.-(1) The local council shall note the reception time for an advance vote on the cover. The number of advance votes received, the receiving dates, and the number of advance votes which are being forwarded to other municipalities, cf. subsection (2), and the appropriate date shall be entered in a logbook. The Minister for the Interior shall lay down the rules for the contents and design of the logbook.

(2) If, according to the address stated on the cover, the sender is the resident of another municipality, the local council shall forward the advance vote to the appropriate municipality without delay.

(3) Once an election has been called, the local council shall see to it that advance votes from voters having cast their votes in advance prior to the calling of an election and later having notified their removal to another municipality shall be forwarded to the new municipality of residence.

(4) The local council shall collect and count the number of advance votes for each polling district of the municipality, in whose electoral register the senders are listed according to their address on the cover. The local council shall see to it that the advance votes are delivered to the polling supervisors at the polling stations within the appropriate polling districts before polling starts.

65.-(1) The polling supervisors shall examine the advance votes, if necessary on the day before election day. The covers shall be opened and examined as to whether the advance votes may be considered.

(2) An advance vote shall not be considered if:

the sender is not on the electoral register;

the sender died before election day;

the cover contains more than one covering letter and one envelope;

the advance voting material used is not identical with the material procured by the Minister for the Interior;

the prescribed procedure for advance voting has not been complied with; or,

the advance vote has not been cast within the time-limits specified in sections 56, 57(3) and 58(2) to (4).

(3) If more than one advance vote has been received for due consideration from the same voter, the latest advance vote shall be considered.

66.-(1) Where an advance vote qualifies for consideration a mark is put down against the name of the voter in the electoral register to indicate that the voter has cast an advance vote. The unopened envelope and the covering letter are replaced under the cover and retained until the voting is over. The covers are then removed from the envelopes which are put into one of the ballot boxes. The envelopes shall not be opened until the votes are counted.

(2) Where an advance vote fails to qualify, the cause must be written on the cover and the unopened envelope and the covering letter be replaced under the cover.

(3) Advance votes received by the polling supervisors after the voting starts shall be marked by the time of their reception and shall not be considered.

67.-(1) A voter having cast an advance vote which has already been considered shall be prevented from casting his vote in the polls on election day.

Part 9

Counting of the Votes Cast in the Nomination District

68.-(1) When the voting is over, the polling supervisors and the appointed electors shall count the votes cast at the polling station. The counting is public. The number of votes cast for each party and for each independent candidate shall be counted.

(2) A vote is cast for the party within the field of which the voter has put his cross on the ballot paper. An advance vote is cast for the party, whose name or letter designation the voter has indicated on the ballot paper. If, on the advance ballot paper, the voter has stated the name of a candidate standing for a party, the vote shall be regarded as cast in favour of the party.

(3) A vote is cast for the independent candidate against whom the voter has put his cross on the ballot paper. An advance vote is cast for the independent candidate, whose name the voter has indicated on the ballot paper.

69.-(1) A ballot paper cast at the polling station shall be invalid if:

it is blank;

it cannot be definitely decided which of the parties or which independent candidate the voter intended to favour with his vote;

the ballot paper is assumed not to have been handed out at the polling station; or,

the ballot paper has been given a special mark of identification.

(2) An advance ballot paper shall be invalid if:

it is blank;

it cannot be definitely decided which of the parties or which independent candidate the voter intended to favour with his vote;

the ballot paper only carries the name of a candidate who is not standing in the multi-member constituency where the voter is on the electoral register, or carries only the name of a party, which has no candidates in the multi-member constituency in question;

an envelope contains something else or more than one ballot paper;

the ballot paper is assumed not to have been procured by the Minister for the Interior; or,

the ballot paper has been given a special mark of identification.

(3) The polling supervisors shall record in the poll book how many ballot papers they considered invalid and the reasons for their judgment.

(4) Following presentation to the parliamentary election scrutiny committee, the Minister for the Interior may lay down detailed rules for assessment of ballot papers, including advance ballot papers.

70.-(1) When the vote count is over, the results of the count shall be recorded in the poll book, which shall be signed by the polling supervisors and the results shall be announced to those present. The chairman of the polling supervisors shall immediately notify the chairman of the election committee of the results. In municipalities comprising more than one nomination district, the chairman of the election committee can decide that notice shall be given to one of the chairmen of the polling supervisors in each nomination district.

71.-(1) When the chairman of the election committee has received reports from all polling stations in the nomination district, the votes reported are summed up. Immediately after, the Minister for the Interior shall be given a report of how many votes in the entire nomination district have been cast for each party and for each independent candidate. The Minister for the Interior shall decide the specific reporting procedure.

72.-(1) Not later than on the day after the voting shall the local election committee assemble to undertake the final counting of the votes cast in the nomination district (recount). In nomination districts consisting of more than one municipality, the election committee shall assemble in the constituency municipality. The recount is public.

(2) The local council shall see to it that the poll books, the used electoral registers and poll cards, the ballot papers and the advance voting material are present at the recount. The local council shall keep a copy of the poll books.

73.-(1) For each polling district the election committee shall recount and reassess the ballot papers according to the rules in sections 68 and 69. The results of the counts shall be entered in the election records. Then the number of votes allocated to each party and each independent candidate shall be summed up for the nomination district as a whole. The result shall be entered in the election records and be announced to those present.

(2) The number of votes for the nomination district as a whole is tabulated concurrently, to establish the allocation of votes in respect of each individual candidate, cf. subsections (3) to (5).

(3) If the voter has put a cross against the name of a candidate, or against both the name of a candidate and the name of the party accommodating the candidate, the ballot paper shall be deemed as cast in favour of such candidate (personal vote). Similar rules shall apply if, on the advance ballot paper, the voter has indicated the name of a candidate or both the name of a candidate and the name or letter designation of the party accommodating the candidate.

(4) If the voter has put a cross against the name of a party or within the party field in such a way that there is doubt as to which of the party's candidates the voter intended to give his vote, the ballot paper shall be deemed to have been cast in favour of the party (party vote). Similar rules shall apply if, on the advance ballot paper, the voter has indicated the name or the letter designation of a party or the names of more than one candidate standing for the same party in the multi-member constituency.

(5) In case of candidature by district, the party votes according to subsection (4) shall be allocated to the party candidate in the nomination district. In case of candidature in parallel the party votes shall be distributed among the party candidates in the nomination district in proportion to their number of personal votes, cf. subsection (3). If two or more candidates have an equal title to a party vote, the Minister for the Interior shall arrange to draw lots. If, in the nomination district, the party does not have a candidate standing, the party votes shall not be allocated to any candidate, but shall be listed separately as "other party votes". If a party list has been registered, these votes shall, however, be allocated to the candidate registered as the first candidate in the party list in the multi-member constituency.

(6) The result of the counting and allocation of the votes cast shall be entered in the election records and be announced to those present.

74.-(1) All members of the election committee shall sign the election records. The following items shall be bound in separate packages

the ballot papers not handed out;

the ballot papers returned in substitution;

the used blanks and other invalid ballot papers;

the valid ballot papers, with the personal votes for each candidate and the party votes for each party to be separately packaged; and

the advance voting material.

(2) Each package shall be marked with its contents and sealed. The packages, the election records, poll books, poll cards and electoral registers shall be kept as specified in section 104.

(3) The chairman of the election committee shall send a copy of the election records to the Minister for the Interior not later than on the day after the final counting of the votes. The copy shall be certified by the chairman.

Part 10

Tabulation of the Election

75.-(1) When the Minister for the Interior has received the certified copies of all election records, the overall tabulation of the election is made on this basis.

Allocation of Constituency Seats

76.-(1) The votes cast for each party and each independent candidate in all nomination districts in a multi-member constituency shall be summed up.

(2) Each number of votes appearing as a result of the summation, cf. subsection (1), shall be divided by 1,4-3-5-7 a.s.o. until such number of divisions equivalent to the maximum number of seats expected to be allocated to the party or the independent candidate has been undertaken. The party or the independent candidate having the highest resulting quotients shall be given the first seat in the multi-member constituency. The second highest quotient entails the second seat and so on and so forth, until all constituency seats in the multi-member constituency have been distributed among the parties and the independent candidates. If there is a tie between two or more quotients, lots shall be drawn.

Allocation of Compensatory Seats

77.-(1) Compensatory seats shall be allocated to parties which have either

obtained at least one constituency seat; or,

in two of the three regions specified in section 8(1) obtained at least a number of votes equivalent to the average number of valid votes per constituency seat in the region; or,

obtained at least two per cent of the valid votes cast in the whole of Denmark.

(2) The number of votes cast in favour of each party in the whole of Denmark shall be computed for each of the parties which are entitled to compensatory seats according to subsection (1). The total number of votes for these parties shall be divided by the figure 175 with deduction of the number of constituency seats which may have accrued to independent candidates. Votes cast for each party shall be divided by the resulting figure. The resulting quotients indicate the number of seats to which each party is entitled in proportion to its vote. If these quotients are not integers and, therefore, do not add up to the whole number of seats when fractions are eliminated, the largest fractions shall be increased until the number has been reached (method of the largest remainders). If two or more fractions are of equal size, lots shall be drawn.

(3) If no parties have obtained more constituency seats than the total number of seats to which the party is entitled in proportion to its vote, cf. subsection (2), the allocation in subsection (2) shall be final. Hence, the number of compensatory seats to be allocated to the respective parties, shall be computed as the difference between the party's total number of seats and its constituency seats.

(4) If a party has obtained more constituency seats than the total number of seats to which the party is entitled in proportion to its vote, cf. subsection (2), a second computation shall be made. In this computation parties which have obtained a number of constituency seats equivalent to or larger than the total number of seats to which they are entitled in proportion to their votes shall be disregarded. For the parties which are subsequently considered, the seats shall be allocated according to similar rules.

(5) Where, by the second computation, a party has obtained more seats than the number of seats to which the party is entitled in proportion to its vote, cf. subsection (2), the party shall have allocated the number of seats to which it is entitled in accordance with subsection (2). The remaining seats shall be redistributed among the other parties according to similar rules as in subsections (2) and (3).

Allocation of Compensatory Seats to Parties by Region

78.-(1) For each of the parties which are allocated compensatory seats according to section 77, the number of votes cast for the party in each of the three regions shall be computed.

(2) Each of these votes shall be divided by the figures 1-3-5-7, a.s.o. Next, a number of the largest quotients equivalent to the number of constituency seats obtained by the party in the region according to section 76 shall be omitted.

(3) The region and the party which subsequently has the largest quotient, shall have the first compensatory seat. The region and the party which has the second largest quotient shall have the next compensatory seat and so on and so forth. Where a region or a party has obtained the number of compensatory seats it should have, cf. sections 10 and 77, the region or the party shall not be considered any further. The allocation continues for the other regions and the other parties until all compensatory seats have been distributed. If a party which has not received votes in all three regions cannot be allocated the compensatory

seats to which the party is entitled by this distribution, these seats shall be allocated in advance to the party in the regions where votes have been cast in its favour.

Allocation of Compensatory Seats to Parties by Multi-member Constituency

79.-(1) In the region(s) where a party has obtained compensatory seats according to section 78, the party's vote in the respective multi-member constituencies shall be divided by the figures 1-4-7-10, a.s.o. In each multi-member constituency a number of the largest quotients equivalent to the number of constituency seats obtained by the party in the multi-member constituency shall subsequently be omitted.

(2) The multi-member constituency which subsequently has the largest quotient, shall have the first compensatory seat. The next compensatory seat shall be allocated to the multi-member constituency which has the second largest quotient and so on and so forth until the number of compensatory seats which the party has obtained in the region has been distributed.

(3) If, by distribution of compensatory seats in regions or multi-member constituencies two or more quotients are of equal size, lots shall be drawn.

Selection of Candidates

80.-(1) The count of the votes in the respective nomination districts, cf. section 73(3) to (5), shall establish which party candidates have been elected.

(2) For each multi-member constituency the number of votes cast for each candidate, including the party votes allocated to the candidate, shall be summed up, cf. section 73(5).

81.-(1) The candidates are elected in the order of the size of their votes, as many as the party has acquired seats in the multi-member constituency, cf. however section 82. In case of a tie, lots shall be drawn.

82.-(1) If a party has registered a party list in the multi-member constituency, cf. section 41(1), the selection of the candidates who are elected shall proceed as follows:

total number of votes of the party in the multi-member constituency, cf. section 76(1), shall be divided by a figure which is the number of constituency and compensatory seats allocated to the party in the multi-member constituency increased by one. The resulting figure shall be increased, even if an integer, to the nearest integer. This figure is hence the distribution figure of the party in the multi-member constituency;

if a candidate after the summation in section 80(2) has obtained a vote in the multi-member constituency equivalent to or higher than the distribution figure, the candidate is elected. If two or more candidates have obtained the distribution figure, the candidates are elected in the order of the party list;

if this is insufficient to fill the seats acquired by the party in the multi-member constituency, the other candidates are elected in the order of the party list, as many as the party remains entitled to seats;

if none of the candidates have obtained the distribution figure, the candidates are elected in the order of the party list, as many as the party has acquired seats in the multi-member constituency.

Election Returns and List of Substitutes

83. - (1) The Minister for the Interior shall prepare election returns for the candidates who have been elected, subject to approval of the elections by the Folketing.

84. - (1) The Minister for the Interior shall prepare a list of substitutes. The list shall state the candidates who were not elected but who are entitled to join the Folketing as substitutes, cf. section 92.

(2) For a party which has not received compensatory seats, computations shall be made for the purpose of the list of substitutes, similar to those specified in section 79.

85.-(1) The list of substitutes shall be prepared separately for each region and for each party in the region. Within each region the respective multi-member constituencies shall be listed for each party by order of size of the quotients computed according to section 79 and section 84(2) and which have not produced any compensatory seat. The multi-member constituency having the largest of the quotients specified shall be stated first. Next in line shall be the multi-member constituency having the second largest quotient and so on and so forth.

(2) For each multi-member constituency the candidates shall be included in the list of substitutes in the order of their entitlement to join the Folketing as substitutes. The candidate having received the highest number of votes without being elected shall be first on the list. Next in line is the candidate having received the second largest number of votes and so on and so forth, cf. however subsection (3).

(3) If a party list has been registered, the order of the substitutes in the list shall be determined by the order in which the candidates who have not been elected appear in the party list.

86.-(1) The Minister for the Interior shall send to the Folketing when it assembles:

copies of the election records received from the election committees of all nomination districts, cf. section 74 (3);

computations of the allocations of constituency and compensatory seats, cf. sections 76 to 79;

tabulations that establish which candidates have been elected, cf. sections 76 and 80 to 82;
list of substitutes, cf. sections 84 and 85.

Part 11

Parliamentary Approval of the Election

87.-(1) The Folketing shall decide the validity of the election of the candidates.

(2) The Folketing shall decide whether the computations and tabulations which the Minister for the Interior has undertaken, can be approved or whether the Minister for the Interior shall arrange for new computations or tabulations. The Folketing may furthermore order the Minister for the Interior to submit voting material, etc. to the Folketing.

(3) The Folketing may order the election committees to conduct a second review and tabulation of the voting material or parts hereof used in the election for the Folketing, cf. section 72(2).

88.-(1) Any voter may complain of general elections. Complaints are to be addressed to the Folketing and submitted to the Minister for the Interior. Complaints must have been received by the Minister for the Interior by the weekday after election day at the latest.

89.-(1) If the Folketing decides that the voting in a nomination district is void, the approval of the candidates' election in the multi-member constituency in question shall be deferred. The candidates in the multi-member constituency shall, however, be regarded as legally elected until further notice. In that case approval of all compensatory seats shall be only temporarily valid.

90.-(1) The Folketing shall decide to which extent and in which way a second ballot shall take place. In a second ballot only the persons with a right to vote and who were on the electoral register on the ordinary election day may cast their vote.

(2) The Minister for the Interior shall fix and announce the day for the holding of a second ballot.

(3) When a second ballot has taken place, new computations and tabulations are conducted as necessary.

(4) Validity for second ballot is concordant with that of the election on the ordinary election day.

91.-(1) If the Folketing decides that an elected candidate is not eligible, the appropriate substitute shall enter, cf. section 92.

92.-(1) A substitute shall enter the Folketing as a Member when a Member of the Folketing ceases to be a Member, and in all other respects according to the rules thereon laid down in the standing orders of the Folketing.

(2) If a party does not have substitutes to fill a vacant seat in a multi-member constituency, the seat shall be carried over to the multi-member constituency in the region of the nearest entitlement to the seat, cf. section 85(1).

(3) If there is no substitute for the party in the region, the seat shall be carried over to the multi-member constituency in the other two regions taken together where the party has the largest quotient which did not give a compensatory seat according to computations in sections 79 and 84(2). The seat shall be carried over to the region in which this multi-member constituency is situated.

(4) If, by the rules of subsections (1) to (3), there is no substitute, the Folketing shall decide whether to hold a by-election, cf. section 93.

93.-(1) If a by-election has been held, the election of the new Member shall be valid for the remainder of the period of validity for the elections on the ordinary election day.

Part 12

Referendums

94.-(1) The provisions in this part shall apply to referendums called in pursuance of the Act of the Constitution section 20(2), section 29(2) and section 42.

95.-(1) The President of the Folketing shall notify the Prime Minister and the Minister for the Interior about a referendum to be held on a parliamentary bill or a bill having received the Royal Assent.

(2) The Prime Minister shall announce the bill or the act in the Official Gazette stating the day of the referendum. A referendum according to the Act of the Constitution section 20(2) and section 42 shall be held no sooner than 12 and not later than 18 weekdays after its announcement.

(3) A referendum takes place in the same polling districts as do general elections.

96.-(1) Any person with a right to vote in general elections and who has been included in the electoral register is entitled to participate in referendums.

(2) When the day for a referendum has been fixed, the local council shall prepare an electoral register of the voters of the municipality and send out poll cards in accordance with the rules of part 4 regarding general elections.

(3) Within 10 days prior to the referendum the Minister for the Interior shall announce the day and time for the voting and the sending out of poll cards in accordance with the rules of part 4 regarding general elections.

97.-(1) Not later than when the day for a referendum has been fixed shall an election committee, polling supervisors and appointed voters be chosen in accordance with the rules of part 5 for general elections and with the assignments specified in this part, subject to the modifications implied by the character of the vote.

(2) In referendums the election committee and the polling supervisors shall keep special election records and a special poll book, respectively, (reporting sheets). The Minister for the Interior shall lay down the rules governing the contents and design of the reporting sheets.

98.-(1) In referendums, the words "Yes" and "No" shall be printed, clearly separated, on the ballot papers.

(2) The Minister for the Interior shall lay down detailed rules governing the contents and design of the ballot papers.

99. - (1) On polling day, voting procedures shall be in accordance with the rules of part 7 regarding general elections, cf. however subsections (2) and (3).

(2) In the casting of votes, voters who are in favour of the bill or the act shall put a cross against the word "Yes" on the ballot paper, while voters who are opposed shall put a cross against the word "No". Voters shall receive guidance about this through notices put up in the voting booth.

(3) If, on the same day, a vote is taken on two or more bills or acts, special ballot boxes shall be provided at each polling station for each vote. The voter shall receive a ballot paper for each vote. The voter shall take all ballot papers into the voting booth and after casting his vote shall place them in the appropriate ballot boxes.

100.-(1) In referendums, advance voting is possible in accordance with the rules of part 8 regarding general elections, cf. however subsections (2) and (3).

(2) The words "Yes" and "No" shall be printed, clearly separated, on the advance ballot papers.

(3) Voting procedures shall be as specified in section 99(2).

101.-(1) Closing down of the voting at the polling station, the preliminary and final counting of votes and reporting to the Minister for the Interior on the vote shall take place in accordance with the rules of part 9 regarding general elections, subject to the modifications implied by the character of the vote, cf. however subsection (2).

(2) A ballot paper, including an advance ballot paper, shall be invalid if:

it is blank;

it is not crossed in accordance with section 99(2);

the ballot paper is assumed not to have been handed out at the polling station;

the advance ballot paper is assumed not to have been procured by the Minister for the Interior;

an advance voting envelope contains something else or more than one ballot paper; or,

the ballot paper has been given a special mark of identification.

(3) Following presentation to the parliamentary election scrutiny committee, the Minister for the Interior may lay down detailed rules for assessment of ballot papers.

102.-(1) The Minister for the Interior shall tabulate the result of the referendum and publish it in the Official Gazette.

103.-(1) Any voter may complain of referendums. Complaints are to be addressed to the Folketing and submitted to the Minister for the Interior. Complaints must be received by the Minister for the Interior by the weekday after the vote at the latest.

Part 13

Other Provisions

104.-(1) The election records, poll books, electoral registers, poll cards, ballot papers and other voting material which the election committee has received in connection with general elections or referendums shall be kept by the local council. In nomination districts consisting of more than one municipality the election material shall be kept by the local council of the constituency municipality.

(2) Each local council shall keep a copy of the poll books and any other voting material which the local council has received.

(3) The electoral registers, poll cards, ballot papers and the copies of the poll books shall be destroyed at the expiry of the time allowed for complaints, cf. sections 88 and 103, and any complaints about the election have been finally decided. Other voting materials shall be kept in accordance with the filing provisions of the Local Government Act.

105.-(1) Expenses in connection with general elections and referendums are defrayed by the municipalities, cf. however subsections (2) and (3). Expenses defrayed by the constituency municipality in advance, shall be distributed by the chairman of the election committee among the municipalities of the nomination district in proportion to the latest published population figures.

(2) Expenses for the advance voting material shall be defrayed by the Treasury.

(3) Stamp expenses for forwarding of advance votes shall be defrayed by the authority, institution, ship or off-shore installation which the vote receiver represents.

106.-(1) Unless liable to more serious punishment by other statutes, the person who commits an offence under sections 51, 59 (2) or 62 shall be subject to a fine or simple detention.

(2) Rules issued by statutory order may provide for the punishment by a fine in respect of offences against the regulatory provisions.

107.-(1) The Minister for Justice may lay down rules preventing electioneering from taking place in or fronting public roads or open spaces in disturbance of the peace. The rules may specify punishment by fine for violation of the regulatory provisions.

CHAPTER II

Remuneration and Pension, etc

Part 14

Remuneration, Pension and Other Considerations of Members of the Folketing

108.-(1) The Members of the Folketing shall receive a remuneration consisting of a basic fee and a supplement in compensation of the costs incurred by undertaking to be a Member of the Folketing (cost allowance). The basic fee is an amount equivalent to the salary of a civil servant in income bracket 49, including general allowance at all times. The cost allowance, which is not included in the taxable income, totals an annual basic amount of DKK 29,253 as of January 1st 1988 for Members with residence in Copenhagen or within a distance of 45 km from the Copenhagen central station, DKK 39,582 annually for Members with residence in the counties of Zealand (with boundaries set as of November 1st 1969) in excess of 45 km from Copenhagen central station, DKK 73,409 annually for the other Members and for Members elected in the Faroe Islands and Greenland a further DKK 11,241.

(2) The basic amounts fixed for the cost allowance in subsection (1) shall be increased or reduced for each full six point variation in excess of 242.0 in the net price index for January 1988 and subsequently by 2.5 per cent. Any surplus points shall stand over to the next adjustment. Adjustments take place on the basis of the net price index for January and July for the periods April 1st to September 30th and October 1st to March 31st, respectively.

(3) Any Member of the Folketing shall be under an obligation to receive the remuneration fixed in subsection (1), cf. subsection (2).

109.-(1) An ordinary Member shall receive a remuneration from the day he is elected; or, if he has become a Member because another Member has died or has retired from the Folketing, the remuneration shall be paid counting from the day following that on which the previous Member died or retired from the Folketing, and until the end of the month in which the ordinary Member shall cease to be a Member of the Folketing.

(2) An ordinary Member, whose membership ceases through a general election, or who on account of illness retires from the Folketing, shall in addition receive a basic fee (supplementary fee), which is granted for a period of one month for each whole year the former Member has been a Member of the Folketing or a representative to the European Parliament taken together, counting a term of membership in which the former Member has been a Member of both the Folketing and the European Parliament as one. The supplementary fee is granted for at least 6 months and a maximum of 12 months. In extraordinary cases where health, financial or social conditions of the former Member so dictate, the Presidium of the Folketing may nevertheless decide to accord a supplementary fee for a further up to 12 months. The term of membership of the European Parliament, previously included in fixing the period of a supplementary fee in accordance with the Act on Remuneration, Pension and Other Considerations for the Danish Representatives to the European Parliament, shall not be included in fixing the period as specified in the first and second sentence. No supplementary fee is receivable for periods in which the former Member receives basic fee in accordance with the Act on Remuneration, Pension and Other Considerations for the Danish Representatives to the European Parliament.

(3) An ordinary Member who, on account of illness, temporary public service abroad or stationed in the Faroe Islands or Greenland on similar business, requests and is granted leave shall preserve the right to remuneration and pension seniority during the period of leave.

(4) An ordinary female Member who requests and is granted maternity leave on account of pregnancy and birth, shall preserve the right to remuneration and pension seniority during the period of leave.

(5) An ordinary male Member who requests and is granted maternity leave for up to 14 days from the child is received in the home and further for a period of up to 10 weeks counting from the expiry of 14 weeks after the child was born, shall preserve the right to remuneration and pension seniority during the periods of leave. As far as the latter period is concerned it is a condition, however, that the mother has an income which entitles her to a daily subsistence allowance, cf. the Act on Daily Subsistence Allowance on Account of Illness or Birth, and that she waives the allowance for the same period.

(6) An ordinary Member seeking permission to adopt a child and who requests and is granted leave for up to 24 weeks after receiving the child in accordance with the provisions of the authorities investigating the adoption whereby the person must be absent from work in connection with the reception shall preserve the right to receive remuneration and pension seniority during the period of leave. If adoption is applied for together with a spouse, it is a condition, however, that the spouse has an income entitling to a daily subsistence allowance, cf. the Act on Daily Subsistence Allowance on Account of Illness or Birth, and that the spouse will renounce daily subsistence allowance for the period for which leave is applied for.

(7) An ordinary Member who is also a Member of the Faroese Lagting or the Greenland Landsting, and who on account of temporary absence as a consequence of participation in the meetings of the Lagting or the Landsting and in meetings of committees in immediate connection herewith requests and is granted leave, shall preserve the right to receive remuneration and pension seniority during the period of leave.

(8) An ordinary Member who, for reasons other than those stated in subsections (3) to (7) requests and is granted leave, shall not receive remuneration during the period of leave and this period shall not be included in the calculation of pension seniority.

(9) A temporary Member who has entered on the occasion of a Member's leave, shall receive remuneration and obtain pension seniority from the day the Folketing has decided to summon him, however, not earlier than from the day when the said leave starts to run and until the day the temporary membership ceases.

(10) A temporary Member who requests and is granted leave shall not receive remuneration and does not obtain pension seniority during the period of leave.

110.-(1) A Member of the Folketing shall be entitled to a pension of his own when he has been a Member of the Folketing, during one or more periods, for at least one year. The pension is paid from expiry of the period for which the basic fee has been paid if the Member in question had at that time completed his 60th year, and otherwise from the day when he attains this age. In extraordinary circumstances where the health, financial or other social conditions so dictate, the Presidium of the Folketing may nevertheless decide to accord a former Member who has not completed his 60th year a pension the size of which shall be fixed individually.

(2) Own pension for each full membership year amounts to 5 per cent of the highest own pension paid to a civil servant in income bracket 49 at any time. The highest own pension is obtained after 20 years of membership.

(3) A retired Member of the Folketing who again becomes a Member of the Folketing, shall not receive a pension during the period for which a basic fee shall be paid. Neither is a pension payable in the periods where he receives a basic fee in pursuance of the Act on Remuneration, Pension and Other Considerations for the Danish Representatives to the European Parliament.

111.-(1) The spouse left by a deceased Member of the Folketing who has been a Member of the Folketing, during one or more periods, for at least one year, shall, regardless of the Member of the Folketing being at his death entitled to a pension and regardless of whether or not he had at this time ceased to be a Member of the Folketing, have a right to spouse's pension unless the marriage was contracted after the deceased became 60 years of age or on the deathbed, or after the deceased was no longer a Member of the Folketing.

(2) The spouse's pension for every full membership year amounts to 5 per cent of the highest spouse's pension according to a civil servant of income bracket 49 in force at any time. Highest spouse's pension is attained on the basis of 20 years of membership.

(3) If the age of the deceased spouse, after deduction of the number of years, which the marriage lasted, exceeds the longest-living spouse's age at the death of the first deceased by more than 10 years, the spouse's pension shall be reduced by 2 per cent for each year the difference exceeds 10 years, according to subsection (2).

(4) A spouse's pension is granted when the spouse advances such request. If the request is received within three months of the death, the pension shall be granted from the day after the death and otherwise from the first day of the month following the reception of the request. However, the pension can be granted not sooner than from the day after the last day for which a basic fee or supplementary fee has been or will be paid.

(5) The right to a spouse's pension is unaffected by separation having taken place. With regard to preservation of the right to a spouse's pension in case of divorce the rules governing civil servants shall similarly apply.

(6) If a surviving spouse of a Member of the Folketing, according to the above rules, is entitled to more than one spouse's pension from the Folketing, only the highest spouse's pension shall be paid out.

112.-(1) The provisions of the Civil Servants Pensions Act section 8, cf. section 2(2) and section 11(2) and section 12(2) shall equally apply to own pensions and spouse's pensions according to the present Act. The spouse's pension shall, however, be subject to the provision in the present Act section 111(3).

113.-(1) With regard to orphans' pension allowance and orphans' pension the provisions in part 4 in the Civil Servants Pensions Act shall similarly apply. Orphans' pension allowances or orphans' pensions shall, however, according to the present Act, not be granted to the extent such pension amounts are being paid on account of employment by a Member of the Folketing as a civil servant or any position of the character specified in section 118(3).

114.-(1) When calculating the pensions etc. referred to in sections 110 to 113 periods of membership of the European Parliament shall be treated in the same way as periods of membership of the Folketing, provided always that periods where the appropriate Member at one and the same time was a Member of the Folketing and the European Parliament shall count as one. The pension is calculated and paid by the Folketing, if the term of membership of the appropriate Member of the Folketing is longer than the term of membership of the European Parliament and otherwise by the Ministry of Finance, cf. the Act on Remuneration, Pension and Consideration for Danish Representatives to the European Parliament.

115.-(1) With regard to supplementary income the provisions of part 6 in the Civil Servants Pensions Act shall equally apply, inasmuch, however, as the basic fee specified in section 108(1) second sentence shall replace the salary and income from employment specified in part 6 of the Civil Servants Pensions Act.

116.-(1) The provisions for adjustments of pensions and supplementary income in section 27(1) and (2), in the Civil Servants Pensions Act shall equally apply in the adjustment of pensions and supplementary income in accordance with the present Act.

117.-(1) With regard to co-ordination with pensions under social legislation part 9 in the Civil Servants Pensions Act shall equally apply, inasmuch, however, as the fixed deduction for each membership year specified by section 29 of the said act shall amount to 1/20 of the highest deduction of 74 per cent of the basic amount of the national pension.

(2) In the cases referred to in section 118 deductions shall be made according to the present section 117(1), only to the extent, however, deductions in accordance with the rules of part 9 in the Civil Servants Pensions Act have not already been made in calculating the pension granted together with the pension from the Folketing.

118.-(1) Provisions in legislation or special statutes to the effect that a civil servant is not entitled to take up any other position to which a right of pension is attached, shall not prevent a civil servant from obtaining his right to a pension as a Member of the Folketing while preserving his position as a civil servant.

(2) Own pension and spouse's pension shall be paid according to the present Act as limited according to specifications in subsections (3) and (4), salary or pension from the treasury accruing to the appropriate person notwithstanding, and shall be without influence on the right to receive such salary or pension. The same applies if the appropriate person receives salary or pension from a position in the Folkeskole (municipal primary and lower-secondary school) or the Established Church of Denmark or from a position in local government service, a concessionary company, other government activities or from a state-subsidised pension fund.

(3) If a Member of the Folketing is entitled to own pension from a position as civil servant or from a position in the Folkeskole, the Established Church of Denmark, a municipality, a concessionary company, other government activities or from a state-subsidised pension fund, the total own pension hence accruing to the appropriate person, shall not exceed the highest own pension obtainable according to the Civil Servants Pensions Act and own pension from the Folketing shall in such event be reduced by the surplus. The same applies to the pension paid by the European Parliament to a former Member. If a retired Member of the Folketing is entitled to a salary from a position with pension entitlement as stated in the first sentence, the total salary and pension shall not exceed the highest civil servant salary with a pension entitlement, and the pension from the Folketing shall in such event be reduced as specified in the first sentence, inasmuch, however, as the salary shall replace the pension in the computation.

(4) If a surviving spouse of a Member of the Folketing has a claim to a spouse's pension deriving from the appointment of the deceased to a civil servant position or a position in the Folkeskole, the Established Church of Denmark, other government activities or from a state-subsidised pension fund, the joint spouse's pension, which shall be given to the surviving spouse, shall not exceed the highest pension which a spouse can obtain according to the Civil Servants Pensions Act, and the spouse's pension from the Folketing shall in such event be reduced by the surplus. The same shall apply to the spouse's pension paid by the European Parliament on account of membership of the deceased.

(5) In the cases referred to in subsections 3 and 4 the reduction in pension from the Folketing shall be computed on the basic amounts, at the time of computation, for the salaries and pensions included in the computation, and the reduced basic amount of the pension from the Folketing resulting from the computation shall be supplemented by index-linked and other pension allowances according to the rules governing civil servants pensions at all times. If the computation includes salaries and pensions which are adjusted in other ways than the civil servants salaries and pensions, the salary or pension amount shall be reduced by an amount equivalent to adjustment in the civil servants area at the time of computation and the salary or pension amount thus reduced shall hence be included in the computation of the reduction of the pension from the Folketing instead of the above basic amount.

119.-(1) The Presidium of the Folketing shall be entitled, upon request, to accord former Members of the Rigsdag, who before April 1st 1946 ceased to be Members of the Rigsdag, and the widow or widowers of such Members an annual allowance, the amount of which shall be decided by the Presidium.

Part 15

Remuneration, Pension and Other Considerations of the President of the Folketing

120.-(1) The President of the Folketing shall be entitled to remuneration according to the same rules as apply to remuneration for Ministers.

(2) Remuneration cannot be received together with a salary, severance pay or pension deriving from a position as a Minister or a civil servant.

121.-(1) The President of the Folketing shall be entitled to severance pay according to the same rules as apply to Ministers.

(2) Severance pay cannot be received together with remuneration, severance pay or pension deriving from a position as Minister, and neither together with a pension deriving from a civil servant position.

122.-(1) The President of the Folketing shall be entitled to a pension according to the same rules as apply to Ministers.

(2) If a President enjoying a pension is appointed as Minister, the President's pension shall be forfeited.

(3) For a person who has been both President and Minister, the pension shall be fixed as one amount and the pensionable age shall be the combined terms of service.

123.-(1) The surviving spouse of a President of the Folketing shall be entitled to a pension according to the same rules which apply to the surviving spouse of a Minister. The provision in section 122(3) shall also apply.

(2) Spouse's pension according to subsections (1) and (2) shall not, in connection with a spouse's pension deriving from a civil servants position, exceed the highest spouse's pension obtainable according to the Civil Servants Pensions Act.

124.-(1) Where a President of the Folketing on assuming his post holds positions in Government or private enterprises, undertakings or institutions, these must be abandoned. If, in the opinion of the President, the discharge of such functions does not present difficulties in the performance of

his duties as a President, and he desires to keep one or more of these, he must immediately notify a parliamentary committee set up for the purpose in writing. Within 14 days upon receipt of the information the committee may refuse to grant the President permission to maintain such functions. Upon expiry of this period the President must inform the Folketing which functions he is allowed to undertake.

(2) During the performance of his presidency, the President shall be prevented from taking up any new positions of the nature specified in subsection (1).

125.-(1) If a civil servant is chosen as President of the Folketing, his former position as a government employee may be kept occupied by appointment ad interim for his term of service, if deemed compatible with the responsible discharge of the position and as far as and so long as it is permissible to uphold appointment ad interim for the position. The Prime Minister shall inform the committee specified in section 124 on this point, and action shall be in conformity with subsection (1) of the said section, however, the information referred to in the fourth sentence shall be given by the Prime Minister through the President of the Folketing.

CHAPTER III

Commencement of the Act

Part 16

Commencement, Amendments and Transitional Provisions

126.-(1) This Act shall take effect as from July 1st 1988. Section 127 shall, however, take effect on the day after announcement of the Act in the Gazette.

(2) The Folketing (Parliamentary) Election Act, cf. Promulgation Order No. 418 of September 22nd 1980, as subsequently amended by this Act, shall be repealed on July 1st 1988. However, section 6 shall not be comprised by the provision of the first sentence.

(3) Part 14 of this Act shall not apply to the Members of the Folketing whose entire term of membership was prior to October 1st 1986 and the dependants of such Members. With regard to pensions on account of membership as referred to in the first sentence, the rules prevailing up till now shall continue to apply.

127.-(1) (Omitted).

128.-(1) (Omitted).

129.-(1) and (2) (Omitted).

Given at Christiansborg Palace, May 13th 1987

Under Our Royal Hand and Seal

Margrethe R. / Knud Enggaard

Source : Danish Ministry of the Interior